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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

OCT - 5 1992

In the Matter of:

Revision of Part 22 of the
Commission's Rules governing
the Public Mobile Services

CC Docket No. 92-115

COMMENTS OF SKYTEL CORPORATION

SkyTel Corporation ("SkyTel")^{1/} by its attorneys and pursuant to the Commission's Notice of Proposed Rulemaking ("NPR")^{2/} in the captioned proceeding hereby submits its comments in this proceeding.

I. INTRODUCTORY STATEMENT AND OVERVIEW

SkyTel generally supports proposals presented this date by the Telocator Network of America. By these comments, SkyTel also (a) expresses strong support for the Commission's proposal generally and (b) presents its comments on three substantive matters for the Commission's consideration during the revision of Part 22 of the Commission's rules.

For the reasons set forth below, SkyTel submits that the public interest would be served by the Commission's adoption of

^{1/} SkyTel and its parent company, Mobile Telecommunication Technologies Corporation, provide a number of high-technology wireless communications services, holding licenses, or interests in licenses, in the Network Paging Service, the 454 MHz Air-to-Ground Service, the Mobile Satellite Service, Specialized Mobile Radio Services, and various Marine Radio Services. Accordingly, SkyTel submits that it is uniquely positioned to provide the Commission with informed comment in this proceeding.

^{2/} In the Matter of Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services, 7 FCC Rcd 3658 (1992). Pursuant to the Commission's Order released August 13, 1992, these comments are timely filed.

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the proposals set forth in these comments. In support, the following is shown:

II. EVERY ASSIGNED CHANNEL AT EACH LOCATION SHOULD REQUIRE A SEPARATE TRANSMITTER, BUT THE COMMISSION SHOULD PROVIDE FOR A BRIEF TRANSITION PERIOD FOR LICENSEES CURRENTLY UTILIZING MULTI-FREQUENCY TRANSMITTERS

In its NPR, the Commission acknowledged that inefficient use of the spectrum can occur where one multi-frequency transmitter is installed and utilized to transmit over two or more authorized channels, and proposed to prohibit their use under Part 22 of the rules. 7 FCC Rcd, at 3669. SkyTel agrees with the Commission in that dual frequency transmitters can, in some instances, lead to inefficient spectrum use. At the same time, SkyTel submits that dual frequency transmitters can also increase spectrum efficiency by increasing the area over which a frequency can be utilized. Accordingly, SkyTel urges the Commission to distinguish between the different types of services to which this proposal would apply.

SkyTel notes that a prohibition on the use of dual frequency transmitters may be reasonable where one transmitter is used to operate multiple frequencies in the same service, for example, 2 non-network frequencies or two-network frequencies, but such prohibition should not be extended to use of the dual frequency concept where one of the frequencies at issue is authorized for network paging and the second is authorized for non-network use. This is because under such an arrangement the carrier would have only one frequency authorized under each service, and the

Commission has no usage requirements for the first frequency in any service.

**III. MUTUALLY EXCLUSIVE APPLICANTS IN THE PUBLIC
LAND MOBILE SERVICE SHOULD BE ALLOWED TO
REQUEST A COMPARATIVE HEARING UNDER
CERTAIN CIRCUMSTANCES**

The Commission proposes to delete Section 22.31(b) which provides for a 60 day period in which to file mutually exclusive applications and to provide that mutually exclusive applications in the PLMS should be on a "first come, first served" basis. 7 FCC Rcd, at 3659.

SkyTel submits that there are at least two reasons that this proposal would be contrary to the public interest. First, with respect to timing, it would encourage applicants to request a frequency in order to avoid someone else first requesting it, rather than when the applicant needs the frequency in order to provide service to the public. SkyTel submits that the timing of applications should be driven by service needs, and not by a desire to be the first to file.

In addition, a "first come, first served" policy provides an opportunity for applicants to "surround" existing licensees before they can expand their service area. Such a tactic could disserve the public in either of the following ways. It would cause an applicant to file primarily in order to "settle" later with the existing carrier. Moreover, if the new applicant is a competitor of the existing carrier which is surrounded, that applicant could benefit competitively by forever limiting expansion. It is also important to appreciate that, in view of

the Commission's proposal to eliminate opportunities to request comparative hearings, there is no genuine need to move to a "first come, first served" policy. This is because the scheduling and conduct of a lottery presents relatively few burdens to the Commission or the public.

IV. CONCLUSION

SkyTel commends the Commission for taking a large step toward revising Part 22 of the rules and making them easier to use and understand, and it generally endorses the Commission's proposal. In order to permit the public to benefit from its revision of Part 22, the Commission should include the two SkyTel proposals into its Part 22 revision. Such modifications would be consistent with Commission policy, and will contribute to the more efficient use of the Commission's resources and serve the public interest.

Respectfully submitted,

SKYTEL CORPORATION

By: 

Thomas Gutierrez
J. Justin McClure

Its Attorneys

Lukas, McGowan, Nace &
Gutierrez, Chartered
1819 H Street, N.W., 7th Floor
Washington, D.C. 20006
(202) 857-3500

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